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August 1, 2007

The Honorable Joseph J. Farnan
United States District Court
844 King Street
Wilmington, Delaware 19801

VIA ELECTRONIC FILING

Re: *Fairchild Semiconductor Corporation, et al. v. Power Integrations, Inc.*
C.A. No. 07-187-JJF

Dear Judge Farnan:

In preparation for the Rule 16 teleconference scheduled for Thursday August 2, 2007 at 2:00 p.m. in the above action, the parties jointly submit the enclosed form of Scheduling Order for the Court's consideration, which presents each party's proposed schedule.

Respectfully,

/s/ John G. Day

John G. Day

JGD/nml
Enclosure
182808.1

c: Mary B. Graham, Esquire (by hand; w/ enclosure)
Sten A. Jensen, Esquire (via electronic mail; w/ enclosure)
David L. Witcoff, Esquire (via electronic mail; w/ enclosure)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|---------------------------------|---|---------------------|
| FAIRCHILD SEMICONDUCTOR |) | |
| CORPORATION, INTERSIL AMERICAS, |) | |
| INC., and INTERSIL CORPORATION, |) | |
| |) | |
| Plaintiffs, |) | C.A. No. 07-187-JJF |
| |) | |
| v. |) | |
| |) | |
| POWER INTEGRATIONS, INC., |) | |
| |) | |
| Defendant. |) | |

RULE 16 SCHEDULING ORDER

It is Plaintiffs' position that this action has been pending for over 15 months. It was brought by Fairchild Semiconductor Corporation ("Fairchild"), Intersil Americas, Inc., and Intersil Corporation (collectively, "Plaintiffs") on April 11, 2006 in the United States District Court for the Eastern District of Texas, before being transferred to this Court. Plaintiffs note that the parties and the Court are very familiar with the technology at issue and the specific single, asserted patent, and since that patent is anticipatory prior art in defendant Power Integrations, Inc.'s affirmative case against Fairchild, C.A. No. 04-1371-JJF. Indeed, Plaintiffs' note that the parties have already exchange the vast majority of discovery needed for this case in that previous action. Thus, Plaintiffs request that the Court set an expedited schedule.

Power Integrations, Inc. ("Power Integrations") proposes that the Court stay the case pending resolution of Power Integrations' affirmative case against Fairchild Semiconductor Corporation and Fairchild Semiconductor International, Inc. ("Fairchild"), which is set for trial on September 17, 2007, and resolution of Power Integrations' motion to dismiss this case for lack of standing, which Power Integrations intends to file in the near term. Should the Court

enter a stay, Power Integrations proposes the Court schedule a status conference for the end of October, which would allow the parties to complete the upcoming trial and any briefing related to Power Integrations' affirmative case, and which should also provide the Court sufficient time to address Power Integrations' motion to dismiss. In the absence of such a stay, the parties hereby propose the following discovery plan and schedule for this case:

1. **Scheduling.** The parties propose the following alternative case schedules:

| Item | FCS/ISIL proposal | PI proposal |
|--|------------------------------|---|
| Initial Disclosures | August 24, 2007 | October 19, 2007 |
| Last day to file motions to Amend Pleadings to add claims or parties | Nov. 5, 2007 | March 28, 2008 |
| Close of Fact Discovery | December 3, 2007 | March 28, 2008 |
| Last day to file joint statement on claim construction | October 1, 2007 | April 9, 2008 |
| Last day to file Opening <i>Markman</i> briefs | October 8, 2007 | April 18, 2008 |
| Last day to file Responsive <i>Markman</i> briefs | October 29, 2007 | May 9, 2008 |
| <i>Markman</i> hearing | November 12, 2007 | May 23, 2008 |
| Last day to serve opening expert reports | February 4, 2008 | 14 days after <i>Markman</i> ruling, but no later than June 30 |
| Last day to serve responsive expert reports | February 25, 2008 | Three weeks after deadline for opening reports, no later than July 21 |
| Close of expert discovery | March 24, 2008 | August 29, 2008 |
| Last day to file dispositive motions | April 11, 2008 | September 19, 2008 |
| Pretrial Conference | June 25, 2008 | November 14, 2008 |
| Trial | July 21, 2008 | December 8, 2008 |

2. **Discovery Event Limitations.**

(a) **Interrogatories:** Maximum of 30 interrogatories, including contention interrogatories, for each side.

(b) **Depositions:** Maximum of 100 hours of depositions per side, excluding expert depositions. Depositions shall not commence until initial disclosures are completed. This paragraph shall not prevent the earlier deposition of an individual having knowledge of a party's document storage and retention policies, a custodian of records, and/or a document retention coordinator as contemplated by this Court's electronic discovery guidelines. This order shall not preclude the parties from altering the provisions of paragraphs 2(a)-(b) by agreement.

3. **Dispositive Motions.** Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed in accordance with Delaware Local Rules. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court.

4. **Applications by Motion.**

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1 and be made in accordance with the Court's December 15, 2006 Order on Procedures for Filing Non-dispositive motions in Patent Cases. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing.

The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No facsimile transmissions will be accepted.

(c) No telephone calls shall be made to Chambers.

(d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: jjf_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.

5. **Protective Order.** The parties have adopted the protective order entered in the case currently pending between Power Integrations and Fairchild in this district, C.A. No. 04-1371-JJF.

Date

United States District Judge

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